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U.S. Department of Justice

United States Attorney

Southern District of New York

USDS,SDNY

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86 Chambers Street, 37th Floor
New York, New York 10007

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October 16, 2007

BY FACSIMILE (212) 805-6326

MEMO ENDORSED

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007-1312

OK

Re: Rissman v. U.S. Dep't of Labor, 07 Civ. 1010 (CM)

Dear Judge McMahon:

The Government and plaintiff in the above-referenced action respectfully request that the Court order that the current six-month suspension of the present action be continued for an additional three-month period to allow plaintiff to complete his application for an alternative administrative mechanism that may moot his claims in the present action.

On February 13, 2007, plaintiff filed a complaint in the above-referenced matter against the United States Department of Labor (the "Government"). The Government maintains that plaintiff's complaint is barred by the Federal Employees' Compensation Act, 5 U.S.C. § 8128(b); see also Lindahl v. Office of Personnel Management, 470 U.S. 768, 780 n.13 (1985). On April 17, 2007, the parties submitted a proposed Stipulation and Order to Hold the Action on Suspense, and on April 18, 2007, the Court "So Ordered" the Stipulation and Order. Accordingly, the Government's time to respond to the complaint was adjourned to October 17, 2007, and the present action has been held on suspense for a period of six months.

Plaintiff, who is proceeding pro se, has been attempting to pursue an alternative administrative mechanism with two different federal agencies that he asserts could moot his claims in the present action. Plaintiff believes his efforts with those federal agencies should be completed within three months of this date. Accordingly, the parties respectfully request an extension of three months to the current suspension of this action. If such extension is granted, the Government's response to the complaint would be due on or before January 15, 2008.

So ordered
Colleen McMahon
10/18/07

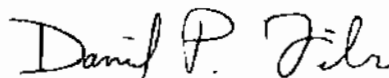
In the alternative, the Government respectfully requests an extension of two weeks to submit its response to the complaint. Plaintiff consents to this extension of time.

Thank you for your consideration of these requests.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:



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cc: GARRY RISSMAN (pro se) (by e-mail)